

DATE: January 13, 2015
TO: Mayor and Members of the City Council
FROM: Craig Whittom, Assistant City Manager
Dawn G. Abrahamson, City Clerk
SUBJECT: ADOPT A RESOLUTION APPROVING A REVISED ELECTED AND APPOINTED OFFICIALS RECORDS MANAGEMENT POLICY

RECOMMENDATION

Adopt a resolution approving a revised Elected and Appointed Officials Records Management Policy.

REASONS FOR RECOMMENDATION

The purpose of tonight's resolution (Attachment 1) is to approve a revised Elected and Appointed Officials Records Management Policy. The City Manager has made one correction to Administrative Rule 1.11. All emails contained in "Cabinets" or archived folders must be retained for a minimum of two years (compared to one year in the original Administrative Rule) and thereafter, with some exceptions, may be deleted. Since this is one of the same elements in the City Council's Elected and Appointed Officials Records Management Policy, staff is recommending that the City Council revise its Policy requiring that all emails contained in elected officials "Cabinets" or archived folders be retained for a minimum of two years.

BACKGROUND AND DISCUSSION

The City Council has previously reviewed and approved the destruction of old and unnecessary records by the adoption of Resolution 14-044 N.C. This is a resolution adopting the Records Management Program as outlined in Administrative Rule 1.11 as amended by the City Manager directing and authorizing staff to maintain City of Vallejo records in accordance with said Records Management Program, an element of which included a Records Retention Schedule.

In addition, the City Council has adopted its own Elected and Appointed Officials Records Management Policy (see Attachment 3- Resolution No. 14-045 N.C.). This Policy primarily applies to the retention of emails and includes responsibilities for all elected officials.

One of the new elements of both AR 1.11 and the Elected and Appointed Officials Records Management Policy is the management of e-mail communications and electronic retention thereof. This section articulates the City's policy related to all electronic data contained in email boxes and outboxes, electronic calendars and tasks to the extent they are preliminary notes, draft and memoranda that are not retained by the City in the ordinary course of business. This resolution makes a correction to the retention period for archived emails.

ENVIRONMENTAL REVIEW

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guideline section 15378.

FISCAL IMPACT

There is no fiscal impact associated with the revision of the Elected and Appointed Officials Records Management Policy.

ATTACHMENTS

Attachment 1 – Resolution

Attachment 2 – Revised Draft City Council Records Management Policy

Attachment 3 – Resolution No. 14-045 N.C.

CONTACT

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RESOLUTION NO. 15- N.C.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VALLEJO
ADOPTING A REVISED RECORDS MANAGEMENT POLICY FOR ELECTED AND
APPOINTED OFFICIALS**

WHEREAS, a system for management of city records is essential to retrieval of information necessary for City operations and to efficient utilization of City resources; and

WHEREAS, the City is required to maintain certain records in accordance with State law; and

WHEREAS, the City Council of the City of Vallejo desires that the **attached revised** Records Management Policy for City of Vallejo Officials be the document which articulates the appropriate requirements, responsibilities and the management of E-mail communications and electronic retention thereof for elected and appointed officials.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Vallejo approves the Records Management Policy for City of Vallejo Officials, a copy of which is attached hereto as **Exhibit 1**, and incorporated herein by reference.

ADOPTED by the City Council of the City of Vallejo at a regular meeting held on January 13, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

OSBY DAVIS, MAYOR

ATTEST:

DAWN G. ABRAHAMSON, CITY CLERK

Consent Item K
May 13, 2014
Attachment 4

Records Management Policy for City of Vallejo Officials

Adopted May 13, 2014

1. **Purpose.** This Records Management Policy (“Policy”) shall apply to each City of Vallejo Council Member, and each person appointed to any Commission, Board or subsidiary body of the City of Vallejo. The Policy serves to preserve and to facilitate access to and management of City records as well as their destruction when they are no longer needed, in accordance with legal requirements and professional standards.
2. **City Officials Responsibilities.** Each City Official will attend an orientation within twelve months of election or appointment, and become familiar with the statutory framework governing the City’s records and their responsibilities under this Policy. Each City Official will review this Policy as well as the sections pertaining to them on the City’s Records Retention Schedule, and have the following additional responsibilities:
 - a. Reviewing and adhering to this Policy to the extent it applies to each city official.
 - b. Reviewing the Administrative Rule and the applicable Records Retention Schedule;
 - c. Maintaining the security of records that have been identified as confidential;
 - d. Surrendering any and all City records to the City Clerk, City Manager, or City Attorney, when requested, including any records concerning the conduct of the City’s business contained in a phone, computer, or account, with the exception of messages stored on private electronic devices and private accounts that are inaccessible to the City, pursuant to *City of San Jose v. Superior Court of Santa Clara County*; and
 - e. Immediately notifying the City Clerk, City Manager, and City Attorney of any requests for disclosure of records pursuant to the Public Records Act or Vallejo Sunshine Ordinance.
3. **Management of E-mail Communications and Electronic Retention.** The City uses GroupWise and Microsoft Outlook as its electronic messaging software to facilitate the City’s business.

All electronic data, including messages and files sent, received and/or stored utilizing the City of Vallejo’s e-mail software systems are considered City of Vallejo property. Also, e-mails and text messages about City business even when sent or received by City Officials on e-mail accounts or using personal digital devices are covered by this Policy, with the exception of messages stored on private electronic devices and private accounts that are inaccessible to the City.

All e-mail received or stored utilizing the City of Vallejo’s email software system must be reviewed and archived, if appropriate, by the Official, who must determine whether such communication should be preserved as a public record., or whether it constitutes a ‘preliminary draft, notes, or memorandum that is not retained by the City in the ordinary course of business.’

This section articulates the City's policy as to all electronic data contained in e-mail inboxes and outboxes, electronic calendars and tasks to the extent they are preliminary notes, draft and memoranda that are not retained by the City in the ordinary course of business.

The City's policy shall be to automatically purge or delete all e-mail messages left in the electronic inbox or outbox that are not archived in the normal course of business in 90 days after receipt. Therefore, unless the recipient archives that e-mail, the e-mail will be automatically deleted from the inbox and the outbox 90 days after received or sent. This data, along with the data described in this section, is considered preliminary drafts, notes, or memoranda that are not retained by the City in the ordinary course of business. The City has an interest in administering its records and managing the size of its data storage as well as identifying which records are public and which are exempt.

The courts have observed that preliminary materials that are not customarily discarded or that have not in fact been discarded pursuant to policy or custom must be disclosed. Therefore, if there are e-mails or other data contained in the recipient electronic mail account that are responsive to a records request, that data must be disclosed in compliance with the law.

The following shall be the City's automatic purging cycle:

- E-mail messages will be automatically purged by the City, without any notice to the Official, in accordance with the schedule set forth below.
- The purge cycle for e-mail messages stored within a City Official's "Inbox" and "Sent" folders shall be 90 days, and;
- The purge cycle for calendars, tasks, and notes will be 365 days, and;
- The purge cycle for e-mail messages retained in "Cabinets" or archive folders shall be one yeartwo years, and;
- The purge cycle for e-mail items, including appointments, notes, and tasks, in the "Trash" folder shall be 14 days.

Archiving E-mails.

When the Official decides to archive or otherwise preserve an e-mail or other electronic data, such data shall not be retained in the GroupWise or Outlook folders for purposes of archiving. When archiving is desired, the e-mail or electronic data must be preserved by printing out and preserving in a paper file pursuant to a departmental program for filing and storing City records.

Destruction of Electronic Records

Destruction of email and calendar records shall be done automatically pursuant to the automatic purge/delete cycle.